

Canada



United States



**Joint Marine Pollution Contingency Plan
Atlantic Geographic Annex**

CANUSLANT



A Plan for Response to
Harmful Substances Incidents
Along the Atlantic Border Between
Canada and the United States



Canadian Coast Guard
Maritimes Region
<http://www.ccgrrsr.org>



United States Coast Guard
First District
<http://www.uscg.mil/d1/staff/m/jrt/>

**Joint Marine Pollution Contingency Plan
Atlantic Geographic Annex WORKING DRAFT November 2003**



**Joint Marine Pollution Contingency Plan
Atlantic Geographic Annex
(CANUSLANT)**

LETTER OF PROMULGATION

In 2003 the Director General for Marine Programs of the Canadian Coast Guard and the Commandant of the United States Coast Guard signed the revised Canada-United States Joint Marine Pollution Contingency Plan (JCP), superseding the 1986 revised JCP and any other agreement pursuant to the 1986 plan. The JCP provides for co-operative measures for dealing with accidental and unauthorized releases of pollutants that cause or may cause damage to the environment along the shared maritime boundary and that may constitute a threat to the public health, property, or welfare.

In accordance with the JCP the responsibility for development of five geographic annexes for areas to which the JCP applies are assigned to the responsible Regional Directors, Canadian Coast Guard and District Commanders, United States Coast Guard. CANUSLANT is the annex that covers the Atlantic boundary between Canada and the United States, and is the joint responsibility of the Canadian Coast Guard Maritimes Region and the United States Coast Guard First District.

CANUSLANT is based upon the premise that the responsible party will take the lead role in response. The government will only direct response in accordance with applicable legislation if the responsible party's response is deemed inadequate to protect human health, safety and/or the environment. The government's role will be in accordance with a tiered level response as additional resources and expertise is required. CANUSLANT does not supercede any statutory authorities held by either of the governments. CANUSLANT also recognizes the rights of U.S. Tribes and Canadian Aboriginal people and provides for their participation when their lands are threatened or impacted.

This annex will be reviewed on an annual basis by both parties and amended as required. This annex supersedes and replaces the 1994 edition. The Atlantic Geographic Annex is hereby approved for implementation.

For the Canadian Coast Guard

For the United States Coast Guard

Regional Director
Canadian Coast Guard
Date Signed: _____

Commander, First Coast Guard District
United States Coast Guard
Date Signed: _____

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**CANADA - UNITED STATES
JOINT MARINE POLLUTION CONTINGENCY PLAN
ATLANTIC GEOGRAPHIC ANNEX**

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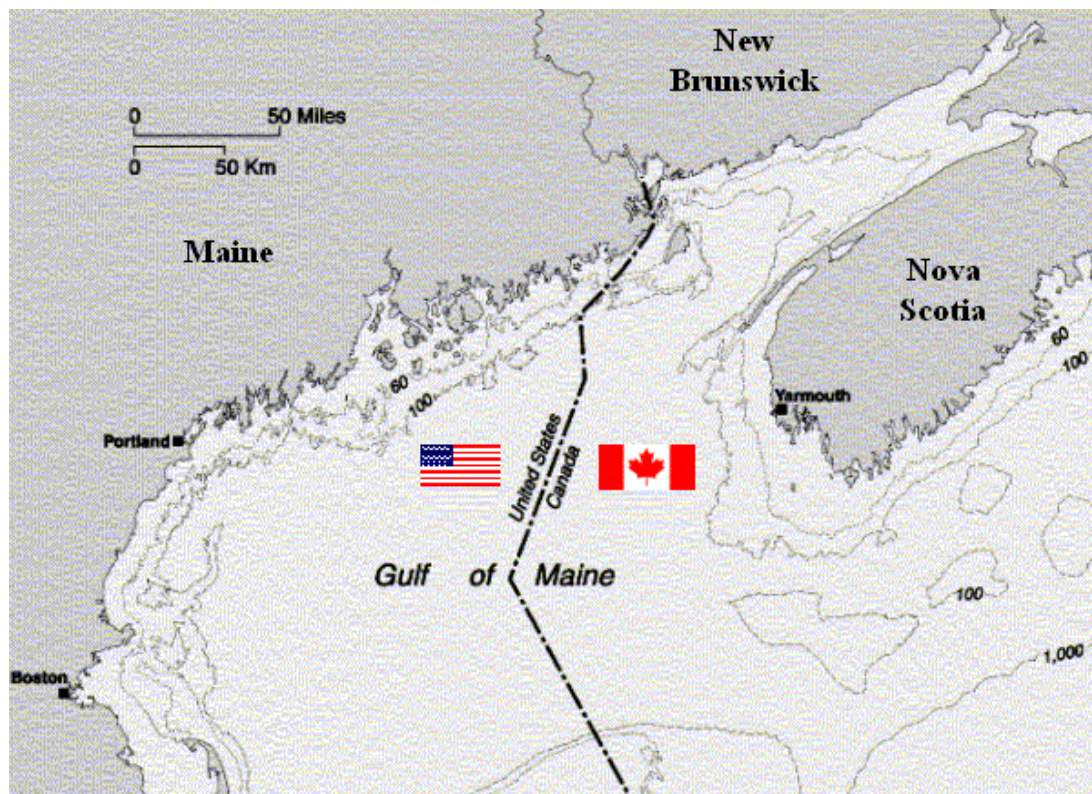
Section I. Purpose

1. CANUSLANT has been developed pursuant to the Canada-United States Joint Marine Pollution Contingency Plan (JCP), a cooperative “bridge” mechanism between the United States and Canada for preparedness and response in contiguous waters of interest to spills of harmful substances, as defined in Section 102.8 of the JCP. The JCP divides the common maritime boundary between the two countries into five regions. The responsible Regional Directors, Canadian Coast Guard and District Commanders, United States Coast Guard were tasked to develop detailed multilateral annex for the JCP for each region.
2. This annex sets provisions for a coordinated and integrated response by the Canadian Coast Guard, Maritimes Region, and the United States Coast Guard, First District to harmful substance incidents which affect or threaten their respective areas of responsibility. It assists federal, state/provincial, local responders and Tribal/Aboriginal people to mitigate the effects of harmful substance incidents on human health and safety, environment and property by providing for a coordinated and integrated response to harmful substance incidents on either side of the border. CANUSLANT also applies when only one country is affected, if the incident is of sufficient magnitude to require assistance from the other country
3. CANUSLANT may be invoked when a harmful substance incident presents an imminent and substantial danger to public health or welfare, and poses potential danger to the environment on either side of the maritime international boundary. This annex specifies the process that would be used to activate national response systems on either side of the border, and to facilitate an effective joint response with state/provincial, local, and, where appropriate, Tribal/Aboriginal people.
4. This plan identifies tiered response options for coordinating joint response efforts by the Canadian On-Scene Commander (OSC) and the United States On-Scene Coordinator (OSC), up to and including the creation of a Joint Command Post in support of a cross border response.
5. The Primary Objectives of CANUSLANT are to:
 - provide an international coordination mechanism between Canada and the U.S. to ensure an effective coordinated response to cross border spills, establish a Canada-United States Joint Response Team (JRT) for the Atlantic Region under co-leadership of CCG and USCG, and when necessary set up a joint Canada-US Joint Command Post;
 - ensure timely and accurate notification of cross border incidents to federal, state/provincial, Tribal/Aboriginal people and local authorities;
 - ensure timely and accurate flow of information between responders in both countries;
 - facilitate safe and timely movement of personnel, equipment and supplies across the Canada-US border;
 - ensure coordinated and timely flow of information to the public and media.
 - Complement the Canada – United States Joint Inland Pollution Contingency Plan, July 1994, and its CANUSEAST operational supplement

Section II. Area of Coverage

1. This supplement applies to the contiguous waters in the Atlantic Region as defined in JCP Section 104.1. The Atlantic contiguous waters are defined in this section as those waters of and along the Bay of Fundy and the Gulf of Maine seaward to Latitude $40^{\circ} 27' 05''$ N, Longitude $65^{\circ} 41' 59''$ W, thence north along a bearing of 000° T to the Canadian shoreline, as shown in Figure 1 below. The inland boundary of the CANUSLANT plan is the International Bridge ($45^{\circ} 11' 31''$ N, $67^{\circ} 17' 01''$ W), connecting Calais, Maine and St-Stephen, New Brunswick. The international inland boundary upstream of this point is covered by the Joint Inland Pollution Contingency Plan and the CANUSEAST supplement (for more information refer to <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/ip-bilateral.htm>).

Figure 1 – Chartlet of area covered by JCP/Atlantic Geographic Annex



Section III. Responsibility

1. Authority for Response:

1.1. Canadian Coast Guard Authority.

- 1.1.1. Canadian OSCs. Canadian On-Scene Commanders are designated by the Regional Directors. The authority for the Canadian On-Scene Commander is given in a Response Order signed by the Commissioner, Canadian Coast Guard at the time of the incident. This response order is issued to an individual and, respecting a particular incident, states: "Pursuant to sections 678 of the Canada Shipping Act, I, the undersigned, direct you to take or cause to be taken such measures as you deem necessary to prevent, repair, remedy or minimize pollution damage from the above mentioned ship, including measures in anticipation of a discharge of a pollutant from the said ship." See JCP section 102.1.
- 1.1.2. Designation of FMO. Customarily, the Response Operations Supervisor will be designated by the CCG to serve as the Canadian Federal Monitoring Officer (FMO) for major pollution incidents affecting the Canadian Maritimes Region. See section 102.1.
- 1.1.3. Director, Marine Programs. The Director Marine Programs, Canadian Coast Guard Maritimes provides support and assistance to the OSC while serving as co-chair for the JRT.

1.2. U.S. Coast Guard Authority.

- 1.2.1. FOSC Authority. The authority for the United States Federal On-Scene Coordinator is listed under 40 CFR 300.120(a)(1) (The National Oil and Hazardous Substances Pollution Contingency Plan): "The USCG shall provide OSCs for oil discharges, including discharges from facilities and vessels under the jurisdiction of another federal agency, within or threatening the coastal zone. The USCG shall also provide OSCs for the removal of releases of hazardous substances, pollutants, or contaminants into or threatening the coastal zone." See JCP section 102.17.
- 1.2.2. COTP Portland. The Captain of the Port (COTP) Portland, Maine has been designated by the U.S. Coast Guard as the pre-designated Federal On-Scene Coordinator for the COTP Portland, Maine zone as identified in 33 CFR 3.05-15. The southern, seaward U.S./Canada boundary also intersects the COTP Boston and COTP Providence zones, also defined at 33 CFR 3.05. Because the highest likelihood for joint response operations involves COTP Portland, CANUSLANT planning and exercises focus on this area.

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- 1.2.3. First USCG District (m). The First Coast Guard District Marine Safety Division Chief provides support and assistance to the FOSC, while serving as co-chair for the Joint Response Team (JRT), and the co-chair for the U.S. Region I Response Team along with co-chairs from U.S. Environmental Protection Agency Region I offices.
2. Joint Response Authority. The Canada-United States Joint Marine Pollution Contingency Plan (JCP), provides cooperative “bridge” mechanism between the domestic harmful substance response authorities of the United States and Canadian Coast Guards to ensure these authorities are well coordinated in a cross border incident to maximize response effectiveness. The JCP requires joint preparedness and response efforts by the two Coast Guards within the Atlantic region, and is the basis for this Annex.
 - 2.1. Response Area. The area covered by this plan is defined in Section II.
 - 2.2. Harmful Substance Incidents. The JCP provides for coordinated response to “Harmful Substance Incidents,” a broadly defined term that encompasses much of the domestic pollution response authority held by the two Coast Guards, excluding radiological substances, as stated in Section 103.6 of the JCP. The sections that address this from JCP are as follows:

“102. 8. Harmful Substance: Subject to Canadian or United States national laws or regulations, means any substance which, if introduced into marine or fresh waters is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the waters, and includes but is not limited to substances subject to control by the International Convention for the Prevention of Pollution from Ships, 1973 as amended by the Protocol of 1978, and those substances designated as a Hazardous Polluting Substance pursuant to Appendix 1 to Annex 10 of the Great Lakes Water Quality Agreement of 1978, as amended by Protocol signed November 18, 1987 and subject to control by the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, when the latter comes into effect, the Federal Water Pollution Control Act of 1972 as amended, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended and the Oil Pollution Act (OPA) of 1990, as amended.”

“102.9. Harmful Substance Incident: A discharge, or an imminent threat of discharge of a harmful substance, as defined in paragraph 102.8.”

“103.6 . The JCP does not apply to radiological incidents. Such incidents are covered by the Canada/United States Joint Radiological Emergency Response Plan.”
3. Plan and exercise authority. Authority for maintenance of the operational supplement, its revision, and the planning of joint exercises will be in:

Regional Director Canadian Coast Guard - Maritimes P.O. Box 1035 Dartmouth, N.S. B2Y 1J3	Commander (m) First Coast Guard District 408 Atlantic Avenue Boston, MA 02110-3350 (617) 223-8586 (fax 223-8094)
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(902) 426-2940 (fax 426-4312)
<http://www.ccgrser.org>

<http://www.uscg.mil/d1/staff/m/jrt/>

Section IV. Plan Review and Update

1. Plan Updates. The CCG and the USCG members of the Joint Response Team (JRT) will review this plan in association with the exercise program and actual incidents, and incorporate lessons learned into this Annex from time to time per guidance contained in JCP Section 302.4.
2. Distribution. The CCG and the USCG will jointly distribute agreed upon amendments to this plan to the JRT and OSCs.
3. Revision Record. Upon receiving a plan change, follow the transmittal instructions and enter the record of the change on the revision record.
4. Revision Requests. All requests or suggestions for revision to this annex should be forwarded to the the Regional Director, Canadian Coast Guard - Maritimes or the Commander, First U.S. Coast Guard District at the address listed for each in Section III of this annex as appropriate.

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Figure 2 – Revision Record

TRANSMITTAL NUMBER	DATE ISSUED	DATE ENTERED	ENTERED BY: Signature
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Section V. Pattern of Response

This annex addresses the pattern of response for harmful substances incidents that have the capacity to adversely affect the United States and Canada.

1. Response Roles and Plans. The U.S. and Canadian Governments have a set of complementary and related plans to guide response under the authorities described below and in Section III, Responsibility. Certain vessels and facilities that handle harmful substances are required to prepare response plans and provide assurance of financial responsibility. The plans will provide the initial response guidance with government oversight of the industry response effort.
 - 1.1. The Canadian Coast Guard. Responsibilities of the CCG for responding to a spill or release of oil or hazardous substance are set out in The Canada Shipping Act. The CCG is the lead agency for spills from ships in waters of Canadian interest, mystery spills and for spills from any source originating in foreign waters where it crosses into Canadian marine waters. The CCG Marine Spill Contingency Plan, National Chapter, Section 5 sets out CCG duties and response procedures. In an incident the following contingency plans apply:
 - CCG Marine Spill Contingency Plan – National Contingency Chapter
 - CCG Marine Spill Contingency Plan – Maritime Regional Chapter
 - CCG Marine Spill Contingency Plan – New Brunswick Area Chapter
 - Canada – United States Joint Marine Pollution Contingency Plan
 - Community Emergency Response Resource Guide for Deer Island, Western Charlotte County, Eastern Charlotte County, Grand Manan, and St. Martins
 - 1.2. The United States Coast Guard. Responsibilities of the USCG for responding to a spill or release of oil or hazardous substances are set out in the Clean Water Act as amended by the Oil Pollution Act of 1990 (OPA 90), the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Under OPA 90 the President is required to direct the response to spills that present a substantial threat to the public health or welfare of the United States. The responsibility for spills in the coastal zone has been delegated to the USCG. The NCP states that for discharges of oil or releases of hazardous substances the USCG Federal On-Scene Coordinator (FOSC) directs response efforts and coordinates all other efforts. The FOSC may designate capable persons from federal, state, tribal or local agencies to act as their on-scene representatives. The following contingency plans apply:
 - [Maine – New Hampshire Area Contingency Plan \(ACP\)](#)
 - [Region I Regional Contingency Plan \(RCP\)](#)
 - [United States National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\) \(Codified in regulation 40 CFR 300\)](#)
 - Canada-United States Joint Marine Pollution Contingency Plan
 - [Maine – New Hampshire Area Contingency Plan \(ACP\)](#)

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- Downeast Maine Geographic Response Plan to ME-NH ACP
- Canada-United States Joint Inland Pollution Contingency Plan
- First Coast Guard District Contingency Response Plan (OPLAN 9710-95)
- U.S. [Federal Response Plan \(FRP\)](#)
- U.S. National Response Plan (NRP)
- Local plans developed by Local Emergency Planning Committees (LEPCs)

1.3. Polluter / Responsible Party (RP). It is always intended that the polluter or Responsible Party (RP) will take full responsibility, both operational and financial, for the response to a spill. The national laws and regulations of each country require some industries that handle harmful substances to prepare response plans that will guide initial polluter/RP efforts. Government will oversee the response, and if the response is inadequate in protecting human health, property, and the environment, then government authorities will direct the response operations in accordance with applicable legislation.

2. CANUSLANT invocation for cross border Incidents.

2.1. Activation authority. Whenever a spill occurs at or near the Canada/U.S. border and it is beyond the response capability of local, state/provincial, and Tribal/Aboriginal people response capabilities, consideration by either the On-scene Commander/Coordinator, CCG Regional Director or USCG District Commander will be given to activating the JCP and its Atlantic Geographic Annex (CANUSLANT), and the Joint Response Team (JRT).

2.2. CANUSLANT justification. The following circumstances justify the activation of CANUSLANT:

- When a high likelihood exists for cross border impact from pollution.
- When actions or inaction on one side of the border may result in impacts to the shores or waters of the other country.
- When the magnitude of the incident is such that the timely availability of resources to the state/provincial, Tribal/Aboriginal, or local level results in a request for assistance.

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- 2.3. Activation method and notifications. CANUSLANT can be verbally invoked (and revoked) by the On-Scene Commander/On-Scene Coordinator, Regional Director, or District Commander. When the decision is made to activate CANUSLANT the JRT Co-chairs will notify JRT members, and unified command members. Whenever practical, every effort will be made to communicate and reach consensus with the relevant state/provincial governments and Tribal/Aboriginal people authorities prior to invoking CANUSLANT. It is suggested that a written record of the decision to invoke CANUSLANT including date, time, name and contact number of the requesting party, and a summary of the situation will be generated by the originating party and relayed to the other party as soon as practicable. It is the joint responsibility of the JRT Co-chairs to ensure that the members of other appropriate agencies are informed that CANUSLANT has been invoked.
3. CANUSLANT levels of response. Based on the above premises, there are five levels of response identified as follows. Refer to Figure 3 for a visual depiction of the organizational structure(s) based on the incident level as described below.
 - 3.1. **Level I:** An incident occurs with no chance of cross border impact, notification of non-origin OSC not required. This indicates that the pollution incident does not satisfy justification for a joint response.
 - 3.2. **Level II:** An incident occurs, little probability of cross border impact. Notification of non-origin OSC. Maintain a communications schedule as needed.
 - 3.3. **Level III:** A situation where a pollution incident occurs on one side of the international border and the spill has a high possibility of impact but is not an immediate threat to the non-origin country. Notification of non-origin OSC. The non-origin OSC will send a liaison officer to the spill origin OSC's incident command post.
 - 3.4. **Level IV:** A proactive response situation where the non-origin OSC not only provides a liaison officer, but also provides personnel, equipment and other support to augment the origin OSC's spill response while the spill is still in the origin country's borders.
 - 3.5. **Level V:** A response where both OSC's have pollution impacting or will immediately impact their respective area of responsibility. Both OSC's have mobilized their response resources and are actively conducting a pollution response. Depending on the size, location, type of harmful substance and other variables related to a spill, a joint incident command post may be established. Under the Level V option, three command structures may be utilized. These options are:
 - 3.5.1. **Option One:** Response would involve both OSC's and other federal environment agency representatives traveling to one location to establish a Joint Incident Command Post to be located near the main spill/response area. Located at the command post would be the OSC's, representatives from New Brunswick, the State of Maine, and the Responsible Party (RP) or polluter. This option provides for the most direct communication possible between the OSC's, RP or polluter, and

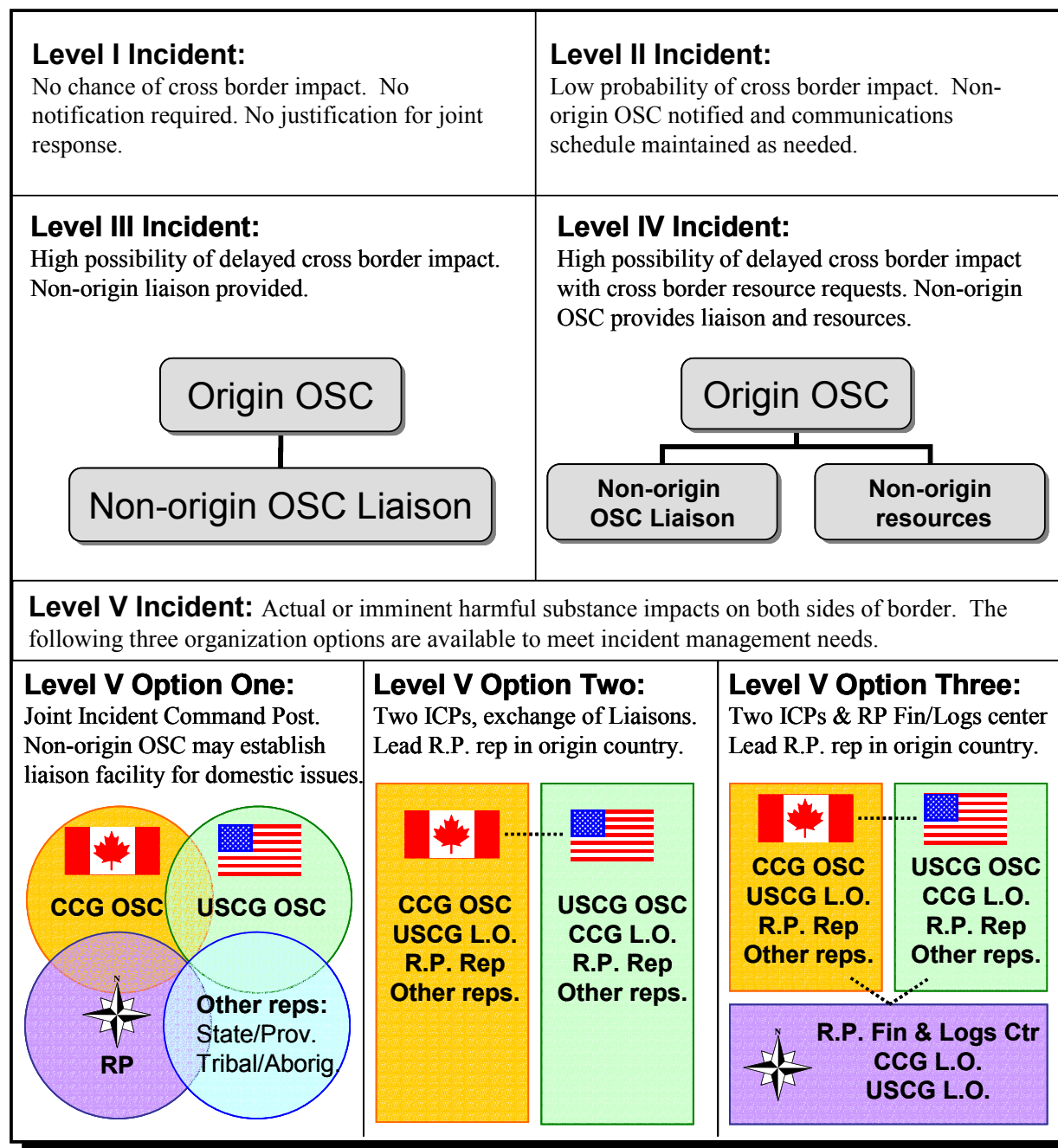
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local officials to facilitate joint decision making, especially important during the emergency phase. The non-origin OSC may set up a liaison facility in their home country to handle domestic liaison issues.

- 3.5.2. **Option Two:** Response would involve two incident command posts, located in each responding country. The command post will have the same internal staffing as a non-international spill. Both OSC's will exchange liaison officers, and set up a communications exchange for the OSC's and the Joint Information Center Officers. The responsible party will be advised that it would be advantageous to send a representative to both command posts. Due to the proximity of the respective countries OSC's personnel to the spill site, this option can be ramped up to an Option One response with some rapidity.
- 3.5.3. **Option Three:** A Level V Option III response is a three incident command post response. This response would involve a command post in each responding country with an exchange of liaison officers, and a responsible party or polluter representative in each country. The third command post would be a logistics and financial center operated by the responsible party or polluter. A representative from both OSC's would be present in the third command post to advise their respective OSC's on the responsible party or polluter's actions.

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Figure 3 – Incident Levels and corresponding Incident Command Post Options



Section VI. Organizational Structure

1. Incident Command System and Response Management System. An Incident Command System (ICS) with Unified Command (UC) based on the United States National Interagency Incident Management System (NIIMS) will be used to manage the incident should it originate in U.S. territorial waters. Canada utilizes a Response Management System (RMS) in such an incident and would use this system should an incident originate in Canadian territorial waters. This RMS system uses elements of the NIIMS system combined with Canadian specific documents in order to track an incident. Either country can use its own system to manage an incident response as the two systems share many features facilitating integration.
 - 1.1. The Unified Command, when activated, may be made up of the United States Federal On-Scene Coordinator (FOSC) and the Canadian On-Scene Commander (OSC), the State On-Scene Coordinator (SOSC), the Provincial On-Scene Coordinator (POSC), the local On-Scene Coordinator (LOSC), the Responsible Party On-Scene Coordinator (RPOSC) and where appropriate United States Tribal On-Scene Coordinator (TOSC) and/or First Nation On-Scene Coordinator (FNOSC). The members of the UC will operate within the framework and constraints of the applicable federal, state, and provincial laws. The decision-making process in the UC will strive for consensus; however, when consensus cannot be reached, the U.S. organizations and the Canadian organizations in the UC will operate under their respective legislative mandates and standard operating procedures to make final decisions related to activities in their respective countries. See Section XI of this Annex for issue resolution guidance.
 - 1.2. General and Command Staff. The ICS will be made up of the Incident Command, the five standard functional general staff sections: Operations; Planning; Logistics; and Finance/Administration, and the IC's Command Staff of a Safety Officer, a Liaison Officer, a Legal Officer and an Information Officer.
 - 1.3. Joint Environmental Section. When the actions of one country will affect the resources of the other, a sixth section called the Joint Environmental Section is added to handle joint issues in this area of mutual interest (the "international response zone"). This Section was added to the CANUSLANT organizational structure to improve environmental coordination based on lessons learned from a series of CANUSLANT exercises. The leaders of this joint section will coordinate closely with the typical coordination points for environmental functions (Planning's Environmental Unit for U.S., and REET for Canada) to facilitate integration of this section into ICS or RMS. See Appendix K for detailed information on the Joint Environmental Section
2. Canada Government Representatives. Primary government representatives to the Incident Command System and their support staff and resources are as follows:
 - 2.1. Canada, On-Scene Commander:

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2.1.1. Response Operations Supervisor, On-Scene Commander
Response Operations Supervisor, Canadian Coast Guard Maritimes
PO Box 1000, Dartmouth, NS, B2Y 3Z8.
Phone (24 hours): (902) 426-6030, Phone (0800 - 1600) 426-3699;
Fax: 426-4828

2.1.2. Alternate On-Scene Commanders
Superintendent Rescue & Environmental Response
Canadian Coast Guard Maritimes
PO Box 1000, Dartmouth, NS B2Y 3Z8
Phone: 902 426- 2292

2.1.3. Director Marine Programs
Canadian Coast Guard Maritimes
PO Box 1000, Dartmouth, NS B2Y 3Z8
Phone: 902 426-9022

2.2. Canada, Critical Personnel

2.2.1. Regional Environmental Emergencies Coordinator
Mr. Roger Percy, - Environmental Emergencies Section - Environment Canada
15th Floor, Queens Square, 45 Alderney Drive, Dartmouth, NS, B2Y 2N6
Phone: (902) 426-2576, 426-6200 (24-hour), Fax: 426-9709
E-mail: roger.percy@ec.gc.ca

2.2.2. Regional Director - Marine Safety
Mr. William (Bill) Scott
14th Floor, Queen Square, 45 Alderney Drive, Dartmouth, NS, B2Y 2N6
Phone: (902) 426-2060; Fax: (902) 426-9049
E-mail: scottjw@tc.gc.ca

2.2.3. Senior Response Officer
Canadian Coast Guard - Saint John
PO Box 7730, Station "A", Saint John, NB, E2L 4X6
Phone:(506) 636-4714; Fax: 636-4024; Pager: 636-0325; Cell: 636-0287

2.3. Canada, Government Resources (available to OSC)

1. Canada/United States Joint Response Team Member Agencies
2. Canadian Coast Guard
3. Department of Fisheries and Oceans
4. Department of National Defence (Maritime Command) Headquarters
5. Nova Scotia Department of Environment & Labour
6. New Brunswick Department of Environment & Local Government
7. New Brunswick Emergency Measures Organization
8. Nova Scotia Emergency Measures Organization

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9. Environment Canada
 10. Office of Critical Infrastructure Protection & Emergency Preparedness
 11. Canada Customs & Revenue Agency - Border Services/Trade Administration
 12. Transport Canada
 13. Resources of other states/provinces may be available to the Province of New Brunswick under the IEMAMOU summarized in Appendix M.
3. United States: Primary government representatives to the Incident Command System and their support staff and resources are as follows.
- 3.1. United States, On-Scene Coordinators:
- 3.1.1. Federal On-Scene Coordinator:
Commanding Officer, USCG Marine Safety Office Portland, Maine. Phone (24 hours) 207-780-3251; Fax: 207-780-3567. Mailing Address: Commanding Officer, Marine Safety Office Portland, 27 Pearl St., Portland, ME 04101.
 - 3.1.2. Alternate Federal On-Scene Coordinator:
Executive Officer, USCG Marine Safety Office Portland, Maine. Phone (24 hours) 207-780-3251; Fax: 207-780-3567. Mailing Address: Commanding Officer, Marine Safety Office Portland, 27 Pearl St., Portland, ME 04101.
 - 3.1.3. State of Maine On-Scene Coordinator
David Sait, Director of Response Operations, Maine Department of Environmental Protection. Phone: 207-287-2651, (24 hours) 1-800-482-0777, Fax: 207-287-7826
Mailing Address: Department of Environmental Protection, Division Director Response Services, Station #17, State House, Augusta, ME 04333.
 - 3.1.4. Federal On-Scene Coordinator's Representative
Supervisor, USCG Marine Safety Field Office Bucksport, ME.
Phone (24 hours): 207-469-2394; Fax: 207-469-2538; Mailing Address: Supervisor, Marine Safety Field Office, PO Box 1909, Bucksport, ME 04416
 - 3.1.5. Response and Planning Staff of the OSC
Response & Planning Dept. Chief, USCG Marine Safety Office Portland, ME.
Phone(24 hours) 207-780-3251; Fax: 207-780-3567; Mailing Address: Commanding Officer, USCG MSO Portland, 27 Pearl St., Portland, ME 04101
 - 3.1.6. Scientific Support Coordinator for the OSC (and Joint Environmental Section)
Stephen Lehmann, NOAA Scientific Support Coordinator.
Phone: 617-223-8016; 24 Hours: 206-526-6317; Fax: 617-439-0468; Mailing Address: NOAA, c/o First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110-3350

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3.2. United States, Government Resources Available through the U.S. FOSC

1. Canada/United States Joint Response Team Member Agencies
2. Region I Regional Response Team (RRT I)
(New England states & tribes, and federal agencies. See 40 CFR 300.175 for member agency capabilities: DHS/USCG, EPA, USDA, DOE, DOI, DOL, DOT, FEMA, DOC/NOAA, DOD, DHHS, DOJ, DOS, USTreas, GSA, NRC)
3. National Contingency Plan Special Forces (See 40 CFR 300.145 regarding capabilities of USCG NSF, EPA ERT, NOAA & EPA SSCs, Navy SUPSALV, EPA RERTs, USCG DRGs, USCG NPFC)
4. USCG National Strike Force (Atlantic Strike Team, Coordination Center, PIAT)
5. USCG Group Southwest Harbor
6. USCG Group South Portland
7. USCG First Coast Guard District Command Center (cc)
8. USCG First Coast Guard District Marine Safety Division (m)
9. USCG First Coast Guard District Governmental & Public Affairs (dpg)
10. USCG First Coast Guard District Response Advisory Team (DRAT) and District Response Group DRG assets which includes all U.S. Coast Guard assets within the First Coast Guard AOR and the VOSS/SORS skimming systems.
11. USCG Air Station Cape Cod, Massachusetts
12. Resources of other states/provinces may be available to the State of Maine under the IEMAMOU summarized in Appendix M.

Section VII. Notification Procedures

In the event that a spill occurs, notification will proceed as follows: (refer to levels discussed in Section V.3.)

1. Level I
No notification required.
2. Level II
Notification of non-origin OSC through appropriate office listed in Section VI above. See Appendix A for Communications Plan.
3. Level III
Notification of non-origin OSC through appropriate office listed in Section VI above. Additionally, non-origin OSC will dispatch liaison officer as soon as feasible to the origin OSC's command post. See Appendix A for Communications Plan.
4. Level IV
Same as above. Additional support personnel will be dispatched as required. See Appendix A for Communications Plan.
5. Level V
Same as above. Additional support personnel will be dispatched as required. See Appendix A for Communications Plan. Under Level V option, three command post options are available. Notifications for each are as follows:
 - 5.1. **Option 1:** Origin OSC will notify non-origin OSC as soon as possible. Communications will be established as per Section VI and Appendix A. OSC's will immediately activate procedures to establish a Unified Command Post as outlined in Appendix A.
 - 5.2. **Option 2:** Origin OSC will notify non-origin OSC as soon as possible. Communications will be established as per Section VI and Appendix A. OSC's will immediately activate procedures to establish individual Command Posts as outlined in Appendix A. Liaison Officers will be exchanged, and a Joint Information Center established. RP will send representatives to both Incident Command Posts.
 - 5.3. **Option 3:** This option will be utilized for long term remedial action. Notification procedures will be determined by the OSC representatives. Communications will be maintained per Appendix A.

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Emergency Notifications

1. Notifications to Canada. In the event that an emergency has been determined to exist in U.S. Waters that requires notification of the Canadian authorities the following office shall be notified:

Department of Fisheries and Oceans - Coast Guard Regional Operations Center: 1 - 902 - 426 - 6030 (24-hour number)

2. Notifications to United States. In the event that an emergency has been determined to exist in Canadian waters that requires notification of the U.S. authorities the following notifications will be made:

Marine Safety Office Portland: 1 - 207 - 780 - 3251 (24-hour number)

First District Command Center: 1 - 617 - 223 - 8555 (24-hour number)

Section VIII. Procedures for Customs and Immigration Clearances

This section provides procedures for ensuring that necessary equipment and personnel receive appropriate customs and immigration clearances, respectively, to support response when such resources are not available in a timely manner within one of the nations in a cross boundary response. The material in this section is also summarized in a checklist available within this section in paragraph 3 below.

1. Canada Procedures for incoming United States personnel and equipment.

- 1.1. Canada Customs and Revenue Regulations. Customs Border Services have established procedures for facilitating the movement of goods for emergency use across the Canadian Border from the U.S., and for the remission of customs duty and excise taxes in respect of such goods. The Temporary Importation (Tariff Item No. 9993.00.00) Regulations provides full relief from the payment of the customs duties and the Goods for Emergency *Use Remission Order* provides full relief from the GST/HST that would otherwise be owing on these goods. The instructions are contained in Customs D Memorandum D8-1-1, March 23, 1998.

In the case of such an emergency there are two other key appendices contained in the Customs D Memorandum, Appendix G provides guidelines and information regarding the temporary importation of emergency equipment and Appendix L which provides a list of contact and relevant local telephone numbers, or the national after hours Hotline number 613-239-4414.

Officials of federal, provincial or municipal governments declare emergencies. When time or circumstances do not permit an official notice of an emergency, Customs Officers will have to assess the situation as it develops by consulting with local response agencies. When time permits, a Temporary Admission Permit E29B will be issued covering all equipment and supplies. This permit will be issued covering emergency supplies and equipment without collection of security (duty or Goods and Services Tax [GST]). In the case of release of goods where Customs or RCMP officers are not in attendance, a record kept by a responsible individual (i.e. chief of police, a municipal mayor, provincial government representative or other individual charged with responsibility of directing the emergency countermeasures) will be accepted for the purpose of completing form E29B. When the situation is urgent, the paperwork will be reduced to a simple blotter record on the E29Bs describing the goods in general terms and a Form E29B may be completed after the fact. The E29B is cancelled whenever the responsible individual involved, provides evidence that the goods have been consumed or destroyed in resolving the emergency or have been exported from Canada. Proof of exportation is not required in respect of goods consumed or destroyed in response to an emergency. Such goods may be accounted for on a B3 after the emergency.

- 1.2. Canada Customs Procedures. The CCG OSC will notify Customs Border Services at the port of entry by contacting Canada Customs Management Call Center – Atlantic

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Canada at St. Stephens 506 465-2114 (24/7) as soon as possible that the JCP has been activated, CANUSLANT has been invoked and goods will be entering Canada. The telephone notification will be confirmed with a FAX to Canada Customs and a copy to the OSC. An alternate point-of-contact is the Regional Office: 902-426-2086.

The driver of the vehicle/vessel/aircraft transporting goods to Canada should adhere to the following:

- Carry 2 copies of the equipment list including serial numbers and monetary value;
- Stop at United States Customs during crossing to get the equipment list stamped. A copy of any lists presented to Canada Customs, preferably with some type of Canada Customs stamp, should expedite the return of equipment to the United States.
- present the list to Canada Customs for clearance approval. Should problems arise ask to speak to a Senior Officer (usually a Superintendent);
- report to Canada Customs when leaving Canada so that temporary admission permits can be canceled.

1.3. Citizenship and Immigration Regulations into Canada:

Emergency response personnel may be granted entry under the ***Canada Immigration Act Section 19(1) (j)***, which allows them to be granted admission as visitors. Under this provision they would not be required to obtain employment authorization. It is advised that personnel carry a visa or other proof of citizenship. Provisions under the ***Canada Immigration Act Section 19(3)*** provide for case by case admission for people with special skills, who would otherwise not be admissible.

1.4. Citizenship and Immigration Procedures into Canada:

Citizenship and Immigration officers are not always present at Customs Border Crossings. In their absence, Customs Border Services may function on behalf of Citizenship and Immigration and grant temporary authority to work in Canada on an emergency basis. To facilitate the process of gaining temporary authority to work in Canada, United States citizens should notify the specific Border Crossing of their needs prior to arriving for entry into Canada. It is also advisable for United States citizens to arrange for an official of a Canadian agency involved in the emergency situation (e.g. Canadian Coast Guard) to contact Citizenship and Immigration / Canada Customs and confirm the need for their entry into Canada

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2. United States Procedures for incoming Canadian Equipment and Personnel

- 2.1. Customs and Excise Regulations: During an emergency, United States Customs Services Regulations provide for the movement of work force and equipment from Canada into the United States. ***Title 19, United States Code Section 1322 International traffic and rescue work, (b) states (in part):***

“The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of duty or tax imposed upon or by reason of importation, of [...] rescue and relief equipment and supplies for emergent temporary use in connection with floods and other disasters.”

Pursuant to this section, U.S. Customs Regulations allow rescue and relief equipment into the country without payment of duty.

- 2.2. Customs and Exercise Procedures: When federal involvement becomes necessary in a cross border incident, a USCG official notifies United States Customs Port Director that the JCP has been activated to deal with a harmful substance incident affecting or threatening the United States and that CANUSLANT has been invoked. The telephone notification will be confirmed with a fax to U.S. Customs.

The United States Customs Port Director may authorise or direct the following:

- U.S. Customs should be notified as soon as possible after the arrival in the U.S. of any carrier and/or equipment. This may be done by telephone and/or fax if necessary. In no way shall any carrier responding to an emergency be delayed by U.S. Customs to report its arrival.
- Expedited entry/clearance for response equipment involved with emergency response with no duty or other fees to be collected (clearance is valid for 90 days).
- Where equipment enters the United States at other than a port of entry, e.g., air or water, it must be reported to United States Customs within 10 days, or as soon as is practicable.
- Material, equipment and supplies dispatched from Canada must remain under supervisory control of an appropriate Canadian authority.
- Equipment brought into the United States must be returned to Canada within 90 days unless an extension is granted or other arrangements are made at the time of entry or during the response. Consumables need not be brought back into Canada.
- Equipment returning to Canada will be required to be check-out through U.S. Customs prior to the leaving the United States.

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The U.S. Customs Port Director at Calais, ME is the key point of contact for the resolution of U.S.-Canadian Customs issues occurring at the border. In an actual emergency, the Port Director has authority to waive regulations and can expedite the movement of equipment and the resolution of related issues.

(207) 454-3621. The U.S. Customs Communication Center at 800-4-SECTOR provides an alternate 24/7 point of contact if there are difficulties in reaching the local office.

- 2.3. Employment and Immigration Regulations. The Immigration and Nationality Act provides the U.S. Citizenship and Immigration Services the responsibility for regulating the movement of people across the international borders of the U.S. This includes the ability to expedite the movement of emergency workers from Canada into the U.S., upon request from the U.S., to assist the U.S. in responding to emergencies.

Section 212(d)(3) of the Immigration and Nationality Act provides the District Director, U.S. Citizenship and Immigration Services, the discretion to allow Canadian workers, with special skills, who might not otherwise be allowed into the U.S. to temporarily enter the U.S. to assist in the response.

- 2.4. Employment and Immigration Procedures. The following procedures provide procedures for the movement of workers with special skills from Canada into the United States to assist with response.
- When United States federal involvement in a cross border incident becomes necessary, a USCG official notifies U.S. Citizenship and Immigration Services (USCIS) of an international spill and the need for trained Canadian workers to support the emergency response.
 - The official must specify that the Canada/United States Joint Contingency Plan has been activated and CANUSLANT has been invoked. Initial telephone notification will be followed up with a FAX to USCIS and the FOSC.
 - The USCG official certifies to the USCIS that insufficient trained response workers are available to respond in a timely manner.
 - Secure from United States Immigration a form 1-94 for each foreign worker that is not a citizen of Canada or of the British Commonwealth. All personnel should have proper identification with them. In addition, non-Canadian citizens must have passport or visas with them.
 - Response organisations must provide safe transport for an USCIS Inspector to inspect response operations.
 - US Coast Guard should provide 24-hour advanced notice if possible.

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- Workers from Canada may work only 90 days in the United States unless other provisions are made.
- Upon departing the United States, the Canadian workers must check out through an USCIS office.

The U.S. Citizenship and Immigration Services Port Director at Calais, ME is the key point of contact for the resolution of U.S.- Canadian Immigration issues occurring at the border. In an actual emergency, the Port Director has authority to waive regulations and expedite the movement of people/resolution of related issues. (207)454-2546 (Calais is in the USCIS Houlton Sector – (207)532-6521)

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3. Checklist for Customs and Immigration Procedures (Canada and U.S.)

Customs / Immigration Checklist				
United States into Canada				
Item #	Action Items <u>prior</u> to leaving for the Border.	Yes	No	Notes
1	Has the JCP-CANUSLANT Annex been activated?			Activation Authority: On-Scene Commander/On-Scene Coordinator, Regional Director, or District Commander
2	Has the OSC requested personnel or equipment assistance from the U.S. into Canada?			
3	Has the Canadian Coast Guard informed Canada Customs and Canadian Citizenship and Immigration at the port of entry that the JCP been activated and US equipment and/or personnel will be crossing the border?			Responsibility for Task 3: Canadian JRT Co-Chair (Regional Director). Telephone Notification to be confirmed with Fax to Customs/USCIS and FOSC)
4	Has the USCG or US contractors forwarded their personnel and equipment lists to the CCG?			
5	Are the lists of personnel and equipment complete?			List should include equipment make, serial number, model number
6	Have these lists been forwarded to Revenue Canada-Customs and Canadian Citizenship and Immigration at the border crossing point?			Canada Customs: St. Stephens: 506 465-2114 (or Regional Office: 902-426-2086). Canadian Citizenship and Immigration Phone Number?
Item #	Action Items while en route to the Border.	Yes	No	
1	Prior to leaving the U.S., ensure a duplicate copy of the personnel and equipment list accompanies each vehicle or vessel.			
2	Ensure each vehicle or vessel has contact information for the CCG in case there are problems at the border.			
3	Upon arriving at the border, stop at the U.S. side of the border and have the lists stamped.			
4	Present the lists to Revenue Canada-Customs agent at the border with the list. If there is a problem, ask for the Senior Officer or Superintendent.			
5	Are there any problems? If so, contact the CCG personnel who requested the equipment or personnel.			

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Customs / Immigration Checklist				
Canada into United States				
Item #	Action Items <u>prior</u> to leaving for the Border.	Yes	No	Note
1	Has the JCP-CANUSLANT Annex been activated?			Activation Authority: On-Scene Commander/On-Scene Coordinator, Regional Director, or District Commander
2	Has the OSC requested personnel or equipment assistance from the Canada into U.S.?			
3	Has the United States Coast Guard informed the U.S. Customs and U.S. Citizenship and Immigration Services at the port of entry that the JCP been activated and Canadian equipment and/or personnel will be crossing the border?			Responsibility for Task 3: JRT Co-Chair (Commander, First District Marine Safety Division). Telephone Notification to be confirmed with Fax to Customs/USCIS and FOSC)
4	Has the CCG or Canadian contractors forwarded their personnel and equipment lists to the USCG?			
5	Are the lists of personnel and equipment complete?			List should include equipment make, serial number, model number
6	Have these lists been forwarded to U.S. Customs and U.S. Citizenship and Immigration Services at the border crossing point?			Border Crossing Point: Likely Calais ME. Customs: (207) 454-3621, USCIS: (207) 454-2546 [USCIS Houlton Sector – (207)532-6521]
7	Time permitting, complete an I-94 form for each individual entering the U.S.			Information includes Name, Nationality, Date of Birth, Workers should have proper identification
Item #	Action Items while <u>en route</u> to the Border.	Yes	No	
1	Prior to leaving the Canada, ensure a duplicate copy of the personnel and equipment list accompanies each vehicle or vessel.			
2	Ensure each vehicle or vessel has contact information for the USCG in case there are problems at the border.			
3	Upon arriving at the border, stop at the Canadian side of the border and have the lists stamped.			
4	Present the lists to Inspector at the border with the list. If there is a problem, ask for the Senior Officer or Superintendent.			
5	Are there any problems? If so, contact the USCG personnel who requested the equipment or personnel.			
6	Retain copies of the lists for re-entry into Canada.			Workers from Canada may only work 90 days in the United States unless other provisions are made

Section IX. Procedures for use of Foreign Registry Vessels (Coasting Trade Law Exemptions)

The Coastal Trading laws of the United States and Canada generally provide for the use of domestic vessels involved in coastwise service and operations. This section describes exemptions available during harmful substance incident.

1. References

1.1. Foreign vessels operating in Canadian Waters

- 1.1.1. The United States Wreckers Act (a Canadian Act) allows U.S. Vessels, without restriction by the customs or coasting laws of Canada, to salvage any property wrecked and may render aid and assistance to any vessels wrecked, disabled, or in distress, in the waters contiguous to the U.S., and provided that a reciprocal privilege with respect to Canadian vessels exists in the U.S.
- 1.1.2. Section 3(2) of the Coasting Trade Act states that the carriage of goods by ship, or by ship and other mode of transport, from one place in Canada to any other place in Canada is permitted by any foreign ship or non-duty paid ship that is engaged, with the approval of a Pollution Prevention Officer (a title held by Environmental Response Branch and certain other CCG employees), in activities related to a marine pollution emergency, or to risk thereof.
- 1.1.3. Article II of a 1908 Treaty between the United States and Canada: Both countries agreed vessels from either country “may salvage any property wrecked and may render aid and assistance to any vessel wrecked, disabled or in distress in the waters or near the shores of the other country...” Vessels operating under the terms of this treaty shall report, as soon as possible, to the nearest Customs House of the country in whose waters the operation took place.

1.2. Foreign vessels operating in U.S. Waters

- 1.2.1. 46 App. U.S.C. § 883 (Section 27 of the Merchant Marine Act of 1920 (the Jones Act)): Provides that only vessels built in, documented under the laws of, and owned by citizens of the U.S. may carry merchandise between points in the U.S. The Secretary of the Treasury, through Customs, administers the Jones Act.
- 1.2.2. 46 U.S.C. § 12101 note (Section 1117 of Public Law 104-324, Use of Foreign Registry Oil Spill Response Vessels) (otherwise known as the “Snowe Amendment”): Provides that an oil spill response vessel documented under the laws of a foreign country may operate in waters of the U.S. on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a

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U.S. port oil discharged as a result of an oil spill in or near those waters under certain circumstances (non-availability of timely U.S.-flagged response vessels).

- 1.2.3. 46 U.S.C. § 316(d), (e) and § 725; 19 C.F.R. 4.97: The Salvage Law of the United States requires that salvage operations (including lightering) in U.S. waters be performed by U.S. documented vessels (not necessarily U.S. built) except as provided by treaty or unless the Customs Service is satisfied that no suitable U.S. vessel is available.
 - 1.2.4. Article II of a 1908 Treaty between the United States and Canada: Both countries agreed vessels from either country “may save any property wrecked and may render aid and assistance to any vessel wrecked, disabled or in distress in the waters or near the shores of the other country...” Vessels operating under the terms of this treaty shall report, as soon as possible, to the nearest Customs House of the country in whose waters the operation took place.
2. Procedures for using foreign registry vessels in harmful substance incident response.
 - 2.1. Justifying Foreign Registry Vessel Use. The above references shall be followed and used to justify resource requests/approvals made by the On-Scene Coordinator/Commander. For the U.S. Federal OSC, liaison with U.S. Customs and the U.S. Maritime Administration is critical to ensuring the interests of U.S.-flagged shipping. The procedures (e.g., Jones Act waivers) outlined in the Memorandum of Agreement between U.S. Customs, U.S. Coast Guard, and U.S. MARAD (“Jones Act MOA” – remains in draft form 11/03) will be utilized during any harmful substance incident response/salvage effort potentially affecting U.S. waters.
 - 2.2. Related Customs and Immigration Procedures. When CANUSLANT is invoked, harmful substance incident response/salvage vessels will be crossing from one country into the other; the customs and immigrations notifications and procedures outlined in Section VIII and the included checklist (procedures for workers/equipment crossing the border) shall be followed.
 - 2.3. Salvage Vessel Use Notification. Pursuant to operations taken under the 1908 treaty, if a vessel from a non-host country engages in a salvage operation in the waters of the host country, the owner/master of the vessel shall make a full report of the operation as soon as possible to the director of the port nearest the place where the operation was conducted.
 - 2.4. Salvage and Rescue Vessel Resources. Appendix B and Appendix F list/reference response, salvage and rescue resources.

Section X. Exercises

1. The scope and frequency of exercises will be in accordance with Section 302 of the JCP.
2. Exercise plans will be developed and documented cooperatively. Exercise may include an alerting or call-out exercise, table-top exercise, equipment deployment exercise, area exercise or other relevant activities. Joint exercises may be conducted in conjunction with each Party's required national exercise program. Exercise goals may also be met through actual joint pollution responses.
3. As a minimum, exercise plans will include a table-top exercise for each Geographic Annex at least once every two years. Each Party will alternate hosting exercises.
4. The CCG On-scene Commander and USCG On-scene Coordinator and the responsible exercise coordinators will document lessons learned. Lessons learned will be shared with all affected agencies, the authority responsible for the Geographic Annexes and the Manager, Environmental Response Division, CCG and the Chief, Office of Response, USCG. Lessons learned will be taken into account with a view to amend the JCP and the Geographic Annexes as required from time to time per Section IV of this Annex.

Section XI. Issue Resolution

1. As provided for in Section 405 of the JCP, any issue in dispute will be referred, as expeditiously as possible, to the CCG On-scene Commander and/or the USCG On-scene Coordinator for resolution consistent with the respective laws of the relevant Party.
2. Should the issue in dispute not be resolved at the local level, it will be referred, as expeditiously as possible, to the CCG Regional Director and the USCG District Commander for resolution. The CCG On-scene Commander or the USCG On-scene Coordinator making such a referral will concurrently notify his/her counterpart that the referral is being made.

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Appendix A. Communications

1. During the notification stage of an incident involving CANUSLANT activation, communications will generally be through the public phone system. When and where possible public phones will be used during an incident, and the phone numbers distributed to the command posts using contact information in this plan as a starting point.
2. Cell phones can be used when and where there is adequate coverage.
3. VHF radio will also be used extensively during an incident. Common radio frequencies may be utilized. The below frequency matrix provides two options for frequency allocation in a joint incident command post response, but this may be adjusted meet incident requirements. As an incident progresses, a more detailed specific Communications Plan and equipment list will be developed by the Comms Unit for the Incident Action Plan.
4. Maritime Mobile Communications

4.1. Maritime Mobile Communication References

4.1.1. Ref: (A) Radio Aids To Marine Navigation, Canadian Coast Guard Marine Communications and Traffic Services Directorate.

4.1.2. Ref. (B) Radiotelephone Handbook, USCG Commandant Instruction M2300.7.

4.2. Maritime Frequency Options. Two frequency allocation options are listed in Figure 4 to provide the Communications Unit a basis for establishing an incident specific communications plan.

Figure 4 – Marine Frequency Communication Plans

Line	Net Title	Priority	Comm Plan A	Comm Plan B
01	VHF Distress/Calling*	1	156.8 Mhz (Channel 16)	156.8 Mhz (Channel 16)
02	MF/HF Distress/Calling*	2	2182 Khz	2182 Khz
03	VHF Intership		157.175 (Channel 83A)	157.050 (Channel 21A)
04	VHF UCP to On Scene Coordination Vessel**		156.3 Mhz (Channel 6)	157.075 Mhz (Channel 81A)
05	MF Intership/ ICP/Vessels		2716 Khz	2237 Khz
06	HF Intership/ ICP/Vessels		4125Khz	6215Khz
07	Aircraft Distress		121.5 Mhz	121.5 Mhz
08	Air/Vessel Coordination		157.075 (Channel 81A)	156.3 Mhz (Channel 6)
Legend: ICP = Incident Command Post Notes: *Coast Guard Communications Stations can be contacted on these frequencies **The On Scene Coordination Vessel must simultaneously monitor Channels 16, 6, and 83A, (Coms plan A), or Channel 16, 81A and 21A (Coms plan B).				

Appendix B. Response Resource Inventory

1. Canada Response Resources

1.1. Please refer to the *Canadian Coast Guard Marine Spills Contingency Plan, Regional Chapter* and the accompanying *Area Chapter* for response inventory located at each site.

1.2. Certified Canadian Response Organizations (ROs) in the Maritimes are:

1.2.1. Atlantic Emergency Response Team (ALERT[®]) Inc.

P.O. Box 2353, Saint John, N.B., E2L 3V6

Phone: (506) 632-4499, Fax: 632-4450

1.2.2. Eastern Canada Response Corporation.

41 Mount Hope Ave, Woodside Industrial Park, Dartmouth, NS B2Y 4R4.

Phone: (613) 930-9690 (24-hour), (902) 461-9170 (local), Fax: 461-9590

1.2.3. Point Tupper Marine Services

PO Box 138, Port Hastings, NS B0E 2T0

Phone: (902) 625-1711, Fax: 625-3098

2. United States Response Resources

2.1. United States Coast Guard Response inventory listed in Section 5400 of the Maine and New Hampshire Area Contingency Plan, Section 5400. Online access available at:

http://www.uscg.mil/d1/units/msoport/acp/area_resources.pdf

Additional U.S. resource information is available on the following two categories of organizations.

2.1.1. Oil Spill Removal Organizations (OSROs)

The U.S. Coast Guard classifies Oil Spill Removal Organizations based on removal systems and capacities available by Coast Guard Captain of the Port Zone. These OSROs and classifications are available through the U.S. Coast Guard National Strike Force Coordination Center at

<http://www.uscg.mil/hq/nsfweb/NSF/onlinedocosro.html> .

2.1.2. Basic Ordering Agreement (BOA) Contractors

USCG OSCs also have pre-established rates and services established with Basic Ordering Agreement (BOA) Contractors. These contractors are given preference in response for pre-establishing these agreements. A list of BOA contractors available to the USCG OSC in Portland is available at

<http://www.uscg.mil/mlclant/FDiv/fcp-2.html>

Appendix C. Sensitive Environments Plan

1. Canada. Contact Environment Canada for environmental sensitivity data for the areas identified in the JCP. The information is integrated into a computerized sensitivity mapping system to assist the CCG OSC in planning and responding to environmental incidents. Data information includes coastal geomorphology, oceanographic characteristics, sensitive biological and human use resources, operational considerations and a pre-spill database containing information about protection strategies and cleanup methods and equipment required for a response. This mapping system is available online for the OSC, or in the form of direct support from Environment Canada during an incident.
2. United States. Priority protection areas are identified in the Geographic Response Plans of the Maine and New Hampshire Area Contingency Plan, which also provide protection strategies for these areas. Additionally, the State of Maine Environmental Vulnerability Index (EVI) maps provide information on sensitivity (versus priority) of resources to spills.
3. Incident-Specific. During a harmful substances incident, the above references provide the initial response guidance to the OSCs. The specifics of an incident will be reviewed with the available resource and scientific expertise to adjust pre-determined sensitivities and priorities for the specific situation. The Joint Environmental Section described in Appendix K will provide this function for the joint aspects of the response.

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Appendix D. Logistics

1. Canada Logistics. Refer to the Canadian Coast Guard Marine Spill Contingency Plan – Regional and Area Chapters, and the Community Resource Guides for details of local contacts and procedures. The St. Andrews Biological Station tested in previous CANUSLANT exercises and identified in previous Geographic Annexes is no longer a suitable facility for an Incident Command Post. The Canadian Coast Guard is investigating other alternatives, such as the HMCS Brunswick facility in St. John, NB, the Algonquin Hotel in St. Andrews, NB, and the ALERT command post. ALERT, Inc., the designated Response Organization for St. John and surrounding areas, is establishing a dedicated incident command post in St. John.
2. United States Logistics. The U.S. Coast Guard has planned and exercised a command post location at Washington County Technical College. Details on setup of this command post are contained in the Logistics section of the Maine and New Hampshire Area Contingency Plan, First Response Section. Additional logistics information is contained in this section of the ACP.

Appendix E. Volunteers

1. Cross Border Volunteer Utilization:

Volunteers will generally work within their own country during a harmful substances incident response, unless there are specific needs that only exist within the other country. No procedures are currently available for cross border volunteer utilization, and procedures must either be developed, or the volunteers may be hired such that they fall under the regimes for compensated workers.

2. Canada Volunteer Utilization.

2.1. CAPP. The Community Action Partnership Program (CAPP) is the central environmental volunteer coordinating body to direct/administer Canadian volunteers who wish to respond to a cross border marine spill. Additional details on CAPP, including a notification flowchart and incident notification checklist are contained within the Maritimes Regional Chapter of the Canadian Coast Guard Maritime Contingency Plan as well as in the community resource guides. The CAPP program will with ongoing assistance of the Canadian Coast Guard:

- Staff and maintain Volunteer Management Centers at designated sites in the Bay of Fundy area.
- Provide awareness of the incident and the effects on the marine environment to the communities through local meetings. This is accomplished with the assistance from various government agencies and industry.
- Maintain a database of registered volunteers and vessels of opportunity.
- Prepare and maintain community resource guidebooks, provide a listing of community resources and site sensitivities, provide local knowledge to Joint Environmental Section (JES), and provide assistance to incoming responders.
- Carry out shoreline surveillance during incidents, at the request of the Canadian Coast Guard Maritimes and/or Environment Canada.
- Provide assistance to an oiled wildlife response at the request of the Canadian Wildlife Service (CWS).
- Initiate the CAPP process through the Canadian Coast Guard Environmental Response Supervisor or the Environmental Response Duty Officer via the Regional Operations Centre at (902) 426-6030 or 1-800-565-1633. It is the responsibility of Environmental Response Staff to ensure CAPP is activated.
- Assist with facilitation of cross border utilization of volunteers.

NOTE: CAPP volunteers will be involved only in very low risk operational roles and will be utilized solely to the extent of safety limitations. Volunteers will not be used for shoreline cleanup. If required they may be hired by the cleanup contractor (government or private).

2.2. N.B. EMO Volunteer Network. In the event of an incident New Brunswick Emergency Measures Organization can access a pool of volunteers (i.e., volunteer firefighters, Red

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Cross, etc.) that are not affiliated with CAPP. This resource may be accessed through the EMO Duty Officer at 1-800-561-4034. The Duty Officer would then contact the EMO Coordinators for the Bay of Fundy area, listed below:

Region F Charlotte County	EMO Coordinator Darren McCabe	(506) 466-7370 (Work) (506) 466-1545 (Home)	(506) 466-8356 (Cell) (506) 558-2496 (Pager)
Regions E & G Saint John	EMO Coordinator Brian Lamb	(506) 832-6010 (Work) (506) 832-5209 (Home)	(506) 650-5704 (Cell) (506) 558-3366 (Pager)

3. United States Volunteer Utilization. Volunteers shall be utilized as described in the National Contingency Plan (40 CFR 300.185(c)) and Maine and New Hampshire Area Contingency Plan section 9430, located online at <http://www.uscg.mil/d1/units/msoport/R&PDept.html>. Volunteer utilization should be well organized, worthwhile, and safe (shall comply with worker health and safety requirements under 40 CFR 300.150). Volunteers should be directed by the OSC/RPM or by other federal, state, or local officials knowledgeable in contingency operations and capable of providing leadership. Specific areas in which volunteers might be used include beach surveillance, logistical support, and bird and wildlife treatment, and will be limited to low-risk operations. If, in the judgment of the OSC, unsafe conditions exist, volunteer use will be restricted.
- 3.1. Maine DIFW Volunteer Program. Current pre-planning for the use of volunteers in Maine has focused on their role in wildlife rehabilitation. Maine Department of Inland Fisheries and Wildlife's rehabilitation contractor has trained about 300 volunteers (most in Southern Maine), which may be utilized if the wildlife contractor is activated, or if another contractor accepts the primary contractor's volunteer training curriculum (the two major U.S. rehabilitation contractors will utilize these volunteers).

Appendix F. Salvage and Rescue Resources Inventory

Information on the use of foreign vessels (including salvage and rescue vessels) may be found in Section IX of this Annex.

1. Canada

- 1.1. Rescue: Contact the Joint Rescue Coordination Center at 1-800-565-1582
- 1.2. Salvage: Contact Regional Director-Marine, Dartmouth NS at 902-426-2060 or through Duty Officer at 902-426-6030 outside of business hours.

2. United States

- 2.1. Salvage and Rescue Resources List. Resources in the northern New England area are contained in Section 5400 (Summary of [Area resources](#)) of the Maine and New Hampshire Area Contingency Plan.
- 2.2. Other Contractor Resources. Additionally, the U.S. Coast Guard has authority to access civilian equipment, personnel and services of certain Oil Spill Removal Organizations and Basic Ordering Agreement contractors; refer to Appendix B of this Annex.

Appendix G. Decanting, Decontamination, and Disposal

1. Decanting

- 1.1. Canada Decanting Provisions. Section 678.2 (1) of the Canada Shipping Act offers protection to any person “decanting” in the course of oil spill cleanup. Protection against liability is removed only when the “conduct was not reasonable in the circumstances” and, in these cases, there would be a liability under the Fisheries Act (pollution of fish habitat) or under CEPA (ocean dumping). Note: It is considered reasonable to expect decanted water to be discharged in front of the skimmer operation.
- 1.2. United States Decanting Provisions. The United States FOSC is granted an exclusion from the National Pollutant Discharge Elimination System (NPDES) permit requirement for discharges under 40 CFR 122.3(d) which states, "Any discharge in compliance with instructions of an On-Scene Coordinator pursuant to 40 CFR 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Materials)

2. Waste Transport and Disposal.

2.1. References:

- 2.1.1. United States-Canada Agreement on the **Trans-Boundary** Movement of Hazardous Waste (1986)
- 2.1.2. Canada's Export and Import of Hazardous Wastes (EIHW) regulations
- 2.1.3. State of Maine, Department of Environmental Protection, Rules 405, 860
- 2.1.4. State of Maine, Department of Environmental Protection's Marine Oil Spill Contingency Plan (2000)
- 2.1.5. Marine Pollution Emergency Response Plan, Province of New Brunswick (1994)

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- 2.2. General. The movement of oily waste/hazardous waste is allowed between Canada and the United States. The criteria to determine where the waste should go would generally be determined by the Responsible Party based on cost and through permitted disposal sub-contractors in Canada and/or the U.S. The guidelines outlined below should be followed to ensure compliance with the countries' regulations.

2.3. Federal Agreements/Guidelines

- 2.3.1. Cross Border Hazardous Waste Movement. U.S.-Canada Agreement on the **Trans-Boundary** Movement of Hazardous Waste. This reference in paragraph 2.1.1 above sets forth the administrative conditions for the export, import, and transportation of hazardous waste between both countries, ensures that the waste is handled safely, and requires that the waste be shipped to facilities that are authorized by the importing jurisdiction.

The agreement stipulates that each transporter must notify the destination country prior to shipping the wastes into that country. The country's hazardous waste authority can then indicate whether it objects to the proposed shipment.

Also, shipments of hazardous waste must be accompanied by proper manifests in order to verify compliance with the Agreement and with other domestic regulations.

Responders, coordinators, and waste transporters should contact the appropriate hazardous waste authority prior to transporting hazardous materials across the border. Shipment notification and approval process, as required by the Agreement, can take some time and that approval is not guaranteed. According to the Agreement, the hazardous waste authority from each country has up to 30 days to review a hazardous waste shipment request, alter the conditions, if necessary, and then respond. (http://www.ec.gc.ca/tmd/fact_a.htm). During a time critical spill response, this review period is expected to be shortened; the OSC would likely facilitate an expeditious review.

- 2.3.2. Transportation of Hazardous Materials through Canada. While in Canada, responders must comply with Canadian regulations pertaining to the transportation and import/export of hazardous wastes. These regulations apply from the time a hazardous waste is collected to the time it exits Canada. Transportation and import/export of hazardous wastes in Canada is governed by reference (b) (<http://www.ec.gc.ca/tmd>). Briefly, these regulations require Canadian exporters/importers/carriers of hazardous wastes to:

- Obtain environmental impairment insurance, third-party liability insurance, and other insurance types, as necessary
- Carry a completed waste manifest for all waste shipments
- Notify and gain approval from the Trans-Boundary Movement Branch of Environment Canada of the proposed export (or import) of hazardous waste prior to initiating the shipment.

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- Comply with Canada's *Federal Transportation of Dangerous Goods Act* (TDGA) and regulations, which require Canadian exporters/importers/carriers of hazardous wastes to: (i) comply with specific waste containment regulations, (ii) use the necessary placards and/or safety symbols, and (iii) comply with other prescribed safety requirements.

2.3.3. Transportation of Hazardous Materials Into/Out of, and Through the United States. Transportation and import/export of hazardous wastes into/from the United States is governed by the following:

- Waste exportation and importation requirements under the U.S. Resource Conservation and Recovery Act (RCRA) (40 CFR Sections 262.50 and 262.60, respectively)
- Importation/certification rules under the U.S. Toxic Substances Control Act (TSCA) (19 CFR Sections 12.118 through 12.127 and 127.28)

Once in the United States, the transportation and disposal of hazardous waste must be performed in accordance with applicable U.S. Department of Transportation (DOT) and U.S. EPA regulations. At a minimum, a Hazardous Waste Manifest must be obtained and any applicable transportation, documentation, marking, packaging, and highway requirements must be followed [Transportation rules: <http://hazmat.dot.gov/rules.htm> EPA rules: <http://www.epa.gov/osw/>].

2.4. State/Province Rules/Guidelines

- 2.4.1. A. State of Maine. The State of Maine's Department of Environmental Protection (DEP) has a comprehensive "Marine Oil Spill Contingency Plan." Highlights of the plan, including guidelines for handling oil/oily waste are outlined below: (<http://www.state.me.us/dep/rwm/publications/ContPlan.PDF>)

Disposal Facilities: A list of oil disposal facilities is contained in the Plan's Equipment and Support Services Directory.

Oily Debris: Oily debris includes sorbents, seaweed, carcasses, and other materials contaminated with oil as a result of an oil spill. Maine regulations (DEP Chapter 405.9) state that oily debris can be land-filled, or incinerated and the resultant ash land-filled. Maine DEP has a contract with the Mid-Maine Waste Action Committee in Auburn for disposal of combustible oily debris.

Waste Oil: The definition of waste oil includes any oil spilled to land or water, but does not include oily debris generated from the cleanup of oil spills or water generated from oil/water separation processes at waste oil facilities. Waste oil is typically disposed of by burning in a waste oil burner. The requirements of Chapter 860 of DEP regulations must be met for storage and transportation of waste oil.

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Temporary Storage: In the event of a major spill, the volume of waste oil/oily debris will most likely be greater than the capacity of available disposal facilities. Therefore, temporary storage (less than 45 days) must be used as an interim measure. The DEP has *no permitting requirements* for the temporary storage of oily debris. Options include storing oily debris in covered dumpsters or covered "roll-off" containers, or in temporary engineered containment structures with oil-resistant liners. Information on liners is contained in the Plan's Equipment and Support Services Directory.

2.4.2. **The Province of New Brunswick.** Section 42 of the Province of New Brunswick's Marine Pollution Emergency Response Plan states that suitable land disposal sites or techniques during the response effort will be the responsibility of New Brunswick Department of the Environment. Other Provincial environmental legislation applicable to Waste Handling and Disposal are as follows: Clean Environment Act; Water Quality Regulation, Used Oil Regulation, Petroleum Storage and Handling Regulation

Disposal Facilities: A list of Waste Petroleum Products Management Sites is contained in the Marine Pollution Emergency Response Plan, NB Department of Environment and Local Government (listed categories include Oily Water Treatment Sites and Used Oil Receiving Sites).

Oily Debris: Oily debris includes off-spec petroleum impacted solid material other than tanks, sludge or soil and is transported to approved facilities in the province for cleaning and subsequent disposal at an approved landfill. There are currently no approved facilities for the incineration of oiled debris.

Waste Oil: The Used Oil Regulation went into effect on April 30, 2002. This regulation specifies the conditions under which the burning of waste oil, as a fuel, would be approved. The Transportation of Dangerous Goods Regulation, administered by the Province, must be met for the transportation of waste oil. Storage of waste oil in quantities greater than 2000L is regulated under the Petroleum Storage and Handling Regulation.

Temporary Storage: The Province of New Brunswick has no specific permitting requirements for the temporary storage (less than 45 day) of oily debris. However, any temporary storage should not result in a discharge of a contaminant, in contravention of the Clean Environment Act, Water Quality Regulation.

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Appendix H. Joint Response Team Contact List

***NOTE: NOT INCLUDED IN ANNEX AT THIS TIME... NEEDS TO BE UPDATED
FOLLOWING REVIEW AND DISCUSSION WITH JRT AT NOV 2003 MEETING***

Appendix I. Joint Information Center/ Public Affairs

1. **General:** The public's perception of the danger posed by an harmful substance incident and the effectiveness of the response effort is often based more on media coverage of the incident than on the response itself. It is imperative that agencies involved in the cleanup operation communicate effectively to the public the measures being taken in response to a spill to galvanize public confidence. Communications with the media must stress protection of the environment from further damage, safety of personnel involved in the cleanup, and measures being taken to protect economic activity and wildlife in the area. It is important that messages are consistent and respond to the foremost concerns of the public. It is equally important that these messages accurately reflect the priorities and activities of all agencies participating in the cleanup.
2. **United States:** First District Government and Public Affairs (dgp) and the National Strike Force's Public Information Assist Team (PIAT) will respond to provide public affairs support to the response management organization. A Joint Information Center manual, created by PIAT, sets a standard for public affairs and information management for the ICS/UC organization.
3. **Canada:** A Canadian model for management of public information activities is under development. Canadian agencies will manage public information activities based as much as possible on the U.S. JIC model.

CCG OSC will task Communications Branch, Fisheries and Oceans Canada (Maritimes Region), to provide all necessary public information support. Communications Branch (CCG Communications Manager) will assume lead role for coordinating communications activities among participating response agencies, establishing a location from which to manage communications and public information activities, and providing direct support to the CCG OSC in accordance with CCG contingency plans.

Communications/public information support for CCG operations is available on a 24/7 basis, either through the CCG Regional Operations Centre or by contacting the CCG Communications Manager directly at (902) 426-3555 or (902) 483-0399.

3.1. English/French Translation Services

- 3.1.1. EMO Text Translation Services. The N.B. Emergency Measures Organization (EMO) has access to Government of New Brunswick text translation services (in-house and private sector). These services are detailed in the ***Provincial Emergency Public Information Plan***. To activate the Provincial EPI Plan, EMO contacts Communication New Brunswick (CNB), who helps determine the requirements and assigns/notifies appropriate staff. In this case, EMO/CNB has priority access for translation and support services. Estimated turn-around time for a document is about 1 – 1.5 hours per typical non-technical page. Communication

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is generally by telephone, fax and/or email. Translators can operate from routine office facilities, or provide mobile assistance to on-site locations.

3.1.2. CNB Text Translation Services. CNB has basic in-house text translation support for non-technical documents (i.e. brief alerts, advisories, general public instructions, etc.). Staff also can assist in handling French media inquiries.

3.1.3. EMO Simultaneous Interpretation Services. N.B. EMO has access to simultaneous interpretation services through its Provincial EPI Plan. Notification process is the same as with text translation services. In general, private sector contractors supply the equipment and technicians, while professional interpretation services are provided by provincial government employees and/or freelance and contracted services. Resources are generally available in major cities.

3.2. Other Language Translation. Other specific oral/written language requirements can be met through an inventory of provincial public servants with specific language skills. In addition, local multicultural organizations can provide assistance in this area.

NOTE: Public Works Canada also has the regional translation service for the federal government and it is based in Moncton. In the present plan, the provincial Translation Bureau would keep this staff on stand-by to provide back-up and support for an operation expected to be of lengthy duration.

Appendix J. Worker Health, Safety and Compensation

1. GENERAL

Worker safety and health and worker compensation in the event of an injury are important considerations when preparing plans for addressing a harmful substance incident. It should be noted that workers coming into the U.S. from Canada to perform work are required to meet the training standards that are set by the U.S. Government for the state of Maine. In addition there is a requirement that site specific health and safety plans be developed prior to initiation of work. There are no similar requirements for U.S. workers going into Canada to perform work. If a worker is injured, there are state, provincial, and federal programs that provide compensation to those workers. A more detailed summary of these issues as well as statutory citations can be found in the following sections.

2. Training

2.1. Canadian Federal and Provincial Training Requirements. Training requirements for hazardous material responders in Canada have not been prescribed to the same level of detail as found in the United States. There is a general absence of specific training requirements at both federal and provincial levels as existing legislation provides descriptive guidance as opposed to specific direction. The Canada Labour Code Part II, (CLC II), and the associated Canada Occupational Safety and Health, (COSH) regulations, describe training requirements for federal government employees in broad terms, primarily in CLC II, Sections 124 to 126. These sections generally require the employer to provide employees appropriate training, tools and protective equipment, to allow them to conduct their work in a safe fashion. For employees working with hazardous or controlled substances, Part X of the COSH regulations require that employees be trained regarding the hazard information contained in the Material Safety Data Sheet (MSDS) for the substance. Employees must also be trained in the proper use of personal protective equipment as prescribed by the MSDS. There are no specific courses, formal qualifications, or minimum hours of training required by the CLC II or COSH regulations, however all training provided to the employee must be documented. United States hazardous materials responders who are trained to their jurisdictional provisions will meet Canadian federal and provincial requirements. United States hazardous materials responders working in Canada should be prepared to provide documentation of their training to appropriate Canadian officials.

2.2. United States Federal and State:

The U.S. Federal requirements [29 CFR 1910.120(q)] for “emergency response workers” and 29 CFR 1910.120(e)] for “routine cleanup operations” applies to workers in the state of Maine. For oil spill response, the 2001 “Training Marine Oil Spill Response Workers under OSHA’s Hazardous Waste Operations and Emergency Response Standard” describes position-based training requirements (OHSA 3172, online at <http://www.osha.gov/Publications/osh3172.pdf>).

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2.2.1. Emergency Response Workers

- First Responder Awareness Level (e.g. State Trooper who provides discovery and notification): Sufficient training; or Proven experience in competencies specified in the regulation Annual refresher is required
- Responder Operations Level (e.g. Responding Fire Company which provides basic control, containment, and/or confinement operations.): (Defensive tactics) A minimum of 8 hours classroom training; or proven experience in competencies specified in the regulation Annual refresher is required
- Hazardous Materials Technician (e.g. HAZMAT team member who responds for the purpose of stopping a release or for advanced control, containment and/or confinement operations.): (Offensive tactics) A minimum of 24 hours of classroom training; and Proven experience in competencies specified in the regulation Annual refresher is required
- Hazardous Materials Specialist (e.g. HAZMAT team member who provides support to HAZMAT Materials Technicians and whose duties require a more specific knowledge): A minimum of 24 hours of classroom training; and Proven experience in competencies specified in the regulation Annual refresher is required
- On-Scene Incident Commander (e.g. Fire Captain or State Patrol Officer who assumes control of the Incident): A minimum of 24 hours of classroom training; and Proven experience in competencies specified in the regulation Annual refresher is required.
- For oil spill response workers, refer to OSHA publication 3172 mentioned above.

2.2.2. Routine Hazardous Materials Spill Cleanup Workers

- Routine Site Cleanup Workers: 40 hours of classroom training; and 24 hours of direct on-site field experience under a trained and experienced supervisor Eight hour annual refresher (U.S. Occupational Safety and Health staff may provide exception for low risk oil cleanup activities - 4 hours classroom training.)
- Supervisors of Routine Site Cleanup Workers: 40 hours of classroom training; and - 24 hours of direct on-site field experience under a trained and experienced supervisor; - 8 hours of hazardous waste management - Eight hour annual refresher
- Inspectors and Supervisors not working in the hot or decontaminated zone and specified limited task workers: 24 hours of classroom training; and 8 hours of actual field experience under a trained and experienced supervisor; and 8 hours of hazardous waste management Eight hour annual refresher.
- For oil spill response workers, refer to OSHA publication 3172 mentioned above.

3. Site Safety Plan Requirements A written site safety plan should be prepared for all cross border responses prior to post-emergency response action. If separate site safety plans have been prepared by Canadian and United States responders, the safety officers from Canada and the United States will meet to resolve any differences. U.S. law requires site safety and health plans; federal requirements apply to Maine. Site safety plans must be specific to the

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emergency or hazardous material site and must address any unique features of the site. The site safety plan should address personnel monitoring, environmental monitoring, hazard identification, pre-entry briefings, site security and decontamination procedures etc. For more detailed information refer to 29 CFR 1920.120(b)

4. Worker Compensation

- 4.1. Canadian Government: The Canadian federal government provides benefits to all employees of the federal government and most Crown agencies, except members of the regular forces of the Canadian Forces and the Royal Canadian Mounted Police, under the Government Employees Compensation Act, administered by Human Resources Development Canada. Instead of establishing its own system for compensation and treatment, the government uses the services already available through provincial WCB's. As long as employees are engaged in work for their department or agency at the time of the accident, they are covered by the Act, wherever they may be working, in Canada or abroad. For detailed information see, "Government Employees Compensation Act".
- 4.2. United States Government: The U.S. Government Workers Compensation program is found in the Federal Employee Compensation Act, which is overseen by the Office of Workers Compensation Program in the U.S. Department of Labor. In this program U.S. Government Civil Service workers are covered in both Canada and the U.S. if they are performing work pursuant to their government positions. The level and type of coverage is dependent upon the type of injury and its duration. (Because of the complexity of the law, detailed discussion of the specific provision is omitted.) For detailed information see the "Federal Workers Compensation Act" at 5 U.S.C. Part 8101.
- 4.3. Provincial/State. TBD.

Appendix K. Joint Environmental Section (Jes)

1. When CANUSLANT is invoked an additional section, called the Joint Environmental Section, will be formed as a part of the Incident Command System. The JES will be jointly led by the NOAA Scientific Support Coordinator and the Chair of the Regional Environmental Emergencies Team (REET) or their designees. The JES will consist of 2 primary entities, the US Environmental Unit (including the NOAA Scientific Support Team) and the Canadian Atlantic Regional Environmental Emergencies Team (REET).

1.1. JES Organization. The JES will have four standing units:

Fate & Behavior Unit

(including such responsibilities as: physical sciences, weather, trajectory analysis, spill mapping, chemical properties and circulation studies)

Habitat Protection Unit

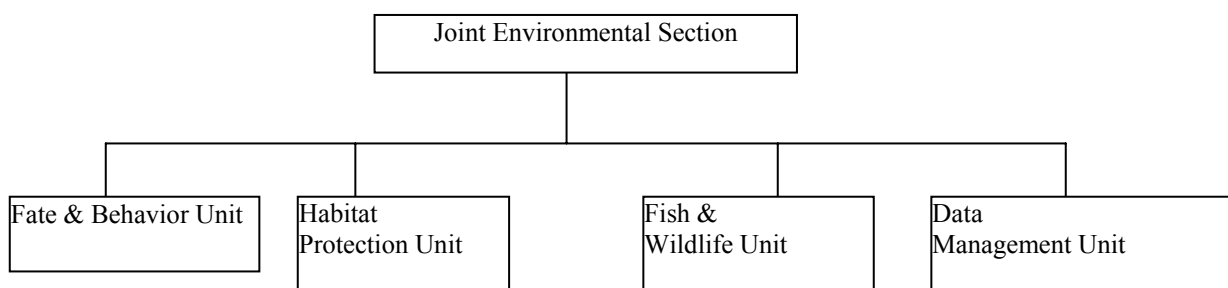
(including such responsibilities as: resources at risk determinations, shoreline and habitat protection, shoreline cleanup techniques and shoreline assessment)

Fish & Wildlife Unit

(including such responsibilities as: mobile organisms, fisheries management, wildlife assessment, rescue and rehabilitation)

Data Management Unit

(including such responsibilities as: sampling and analysis management, GIS, mapping, academic/science community liaison, scientific affairs liaison to the Joint Information Center [JIC])



- 1.2. International Response Zone Establishment. The first priority of the JES will be to establish an International Response Zone (IRZ). This zone will be defined as an area where protection and treatment decisions in one country can impact the environmental resources of the other country. Where practical, recommendations concerning the IRZ will be made jointly from the JES.

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- 1.3. Interaction with Incident Command System/Response Management System. The JES will interact closely with both the planning and operations sections of the command structure, as well as the command staff. In addition, JES will act as the central repository and reference resource for scientific and environmental issues and the key command liaison to the scientific and environmental community, including subject-related academics and non-government organizations.
- 1.4. JES Task Forces. As needed, joint US/Canadian task forces may be formed from within the JES in order to address specific command issues such as in-situ burning and dispersant use. Such task forces will be staffed based on the objectives of the task and the skills of the JES personnel available. These task forces may be temporarily assigned, by the JES leaders, to other sections or units of the command.
- 1.5. Demobilization of JES and IRZ. Once it is determined by the FOSC (US) and the OSC (Canada), with input from the JES, that an IRZ is no longer necessary, the JES will stand down. Following stand down, the US Environmental Unit will become a unit of the US ICS Planning Section and REET will continue its normal operating procedures independent of the US ICS/UCS. Communication will continue, as needed, between personnel in the US Environmental Unit and REET, coordinated by the NOAA SSC and the Chair of REET. Where practical during this period, the US Environmental Unit and REET will exchange liaisons.

Appendix L. Alternative Response Technologies

1. Dispersants

1.1. Joint Decisions

Use of dispersants or other chemicals in a cross border spill in situations where the countermeasure may affect the other country will be a joint decision, subject to the approval and decision requirements of each country. The JRT, JES, and other joint bodies established during an incident can assist in ensuring a consistent decision making process is applied to both sides of the border.

1.2. Canada:

Use of treating agents is regulated by the Fisheries Act, and Environment Canada will consult the REET when considering approval of treating agents (the EC spill reporting network at 1-800-565-1633 is a conduit for approval). If approval is granted after assessing a request, only approved treating agents may be used

LISTED TREATING AGENTS: Agents approved by Environment Canada as of March 1998: Corexit 9500, Corexit 9527, Corexit 9550, Corexit CRX-8, Drew Dispersant LT, Enersperse 1100X, Enersperse 700, Gamelin 2000, Oilsperse 43, Slickgone LT

1.3. United States

1.3.1. General. The use of dispersants is regulated by Subpart J of the National Contingency Plan (40 CFR 300.900). In absence of pre-authorization agreements, the decision to use dispersants and other chemicals is made by the OSC with the concurrence of the RRT representatives from the EPA and states with jurisdiction over the waters threatened by the discharge, and in consultation with the Department of Commerce and Department of the Interior natural resource trustees. The OSC can draw on the RRT coordinator at D1(m) to assist in gaining approval. Dispersants or chemicals used must be on the National Contingency Plan Product Schedule described at 40 CFR 300.905. If use of chemicals will, in the judgement of the OSC, eliminate or substantially reduce a threat to human life, any product may be used without further consultation or concurrence.

1.3.2. Plan / Preauthorization. Refer to Section 4720, Chemical Countermeasures, in the Maine & New Hampshire Area Plan, for the established a pre-authorization agreement that streamlines the approval process for dispersants and other chemical countermeasures. Online at <http://www.uscg.mil/d1/units/msoport/R&PDept.html>. Subject to a series of protocols, the decision rests with the Federal On-Scene Coordinator in consultation with the State On-Scene Coordinator(s) beyond 0.5 nm from the Territorial Sea Baseline (generally the shoreline, excluding bays and

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coves); the Department of the Interior must also be consulted or concur out to 2 nm, as described in the agreement.

- 1.3.3. Listed Products. The National Contingency Plan Product Schedule lists 12 dispersants (as of Nov. 2003) and numerous other oil spill control agents. Refer to the current product schedule at <http://www.epa.gov/oilspill/ncp/>. Only the COREXIT formulations were considered by the Natural Resource Trustees in evaluating potential impacts to endangered species, so other formulations require case-by-case consultation.

2. In Situ Burning

2.1. Joint Decisions

Use of in situ burning in a cross border spill in situations where the countermeasure may affect the other country will be a joint decision, subject to the approval and decision requirements of each country. The JRT, JES, and other joint bodies established during an incident can assist in ensuring a consistent decision making process is applied to both sides of the border.

2.2. Canada

To Be Developed.

2.3. United States

GENERAL: The use of in situ burning in concert with burning agents to enhance the flammability of the product, is regulated in the same way as dispersants and other chemical countermeasures by Subpart J of the National Contingency Plan (40 CFR 300.900). If the oil is ignitable and no burning agents are used, under the NCP it is not differentiated from other countermeasures, made by the unified command in consultation with the natural resource trustees. Other regulations do apply, notably the air emissions are regulated by State Implementation Plans under the Clean Air Act.

PLAN / PREAUTHORIZATION: Refer [to Section 4600 in the Maine and New Hampshire Area Contingency Plan](#), which incorporates the Region I ISB Memorandum of Understanding. Available online at <http://www.uscg.mil/d1/units/msoport/R&PDept.html>. Under the Region I memorandum, the in situ burning decision belongs to the Federal On-Scene Coordinator outside 6 miles (Maine has requested consultation on the decision to 12 miles), and the State and Federal On-Scene Coordinator outside 1 mile, subject to a series of protocols. Additionally, the State of Maine On-Scene Coordinator has a memorandum of agreement with the State Bureau of Air Quality Control allowing the SOSOC to authorize in situ burns for oil removal throughout the state.

3. Other Oil Spill Treating Agents:

To Be Developed

Appendix M. International Emergency Management Assistance Memorandum of Understanding (IEMAMOU)

1. The International Emergency Management Assistance Memorandum of Understanding (IEMAMOU) is an agreement on mutual aid among the New England States, the Atlantic Provinces and Québec. The document makes provision for such things as:

- recognition of professional, mechanical and other skills;
- liability and immunity;
- compensation and death benefits; and
- reimbursement.

1.1. The following paragraphs are extracts from the MOU, the complete text of which can be found at http://www.scics.gc.ca/cinfo00/85007918_e.html.

1.1.1. Request for assistance. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request.

1.1.2. Consultation among party jurisdiction officials. There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group (IEMG).

1.1.3. Licenses and Permits - Article V

Whenever a person holds a license, certificate or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by executive order or otherwise.

1.1.4. Liability - Article VI

Any person or entities of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include wilful misconduct, gross negligence or recklessness.

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1.1.5. Workers' Compensation and Death Benefits - Article VIII

Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

1.1.6. Reimbursement - Article IX

Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any two or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

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